

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MARCH 5, 2001  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:07 p.m. The meeting was recessed by Mayor Murphy at 4:00 p.m. for a break and to allow Mayor Murphy to meet with other public officials to address the Santana High School shooting incident. The meeting was reconvened by Mayor Murphy at 4:30 p.m. with all Council Members present and District 6 vacant. Mayor Murphy adjourned the meeting at 7:08 p.m. Mayor Murphy requested the lowering of the flags to half-staff as an expression of sympathy for the people involved in the tragedy at Santana High School.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (er)

**FILE LOCATION: MINUTES**

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant
- (7) Council Member Madaffer-present
- (8) Council District-vacant

ITEM-10: INVOCATION

Invocation was given by Pastor Brooks Gibbs of Horizon Christian Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Mayor Stevens.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

2/12/2001  
2/13/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A021-028.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-31: Caulerpa Taxifolia Awareness Day.

**COUNCILMEMBER PETERS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1193) ADOPTED AS RESOLUTION R-294616

Recognizing the efforts of Project Pacific and proclaiming March 10, 2001 to be  
“Caulerpa Taxifolia Awareness Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A204-266.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Carolyn Chase commented on the recent sewage spill into Mission Bay. She asked what the perimeters of the system are that are used to measure the flow. Ms. Chase also commented on the 20-foot wide road that was bulldozed to access the site of the sewer spill. Ms. Chase suggested that the City must adopt policies and practices that fit responses and equipment to the setting and not require the setting to be destroyed by the equipment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A276-319.)

PUBLIC COMMENT-2:

Eric Bowlby, representing the San Diego Sierra Club, thanked the Mayor and Council for the efforts to research solar power as an energy solution and for withdrawing the appeal on the Adobe Falls sewer spill. Mr. Bowlby suggested that City staff step up maintenance by getting out of the truck, going down the paths that do not have roads, and checking in order to prevent emergencies and unnecessary roads having to be bulldozed. He stated that bulldozing roads creates increases in storm water flow velocities which creates erosion and siltation pollution problems in our bays.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A323-363.)

PUBLIC COMMENT-3:

Don Stillwell's subject was "take-home pay." Mr. Stillwell stated that income tax is voluntary not mandatory. He suggested that the Mayor and Council read two books by Lynne Meredith titled "Vultures in Eagles Clothing" and "How to Cook a Vulture." Mr. Stillwell also gave the Mayor and Council a copy of a video tape on this subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A364-407.)

PUBLIC COMMENT-4:

Reverend David Bruce Thompson stated that he has been an advocate for kids and the problems they encounter with drugs in our society today. He stated that some kind of legislation needs to be passed which allows children to get drug

treatment rather than go to prison or juvenile hall. Reverend Thompson believes this should be long-term drug treatment and it should be followed up.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A434-496.)

**PUBLIC COMMENT-5:**

Joseph Cuseo recalled a time when his children were young and he enjoyed the use of Mission Bay. Mr. Cuseo expressed his frustration with the sewer spill, beach signage, the lack of community libraries, the ballpark, and local politics.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A514-580.)

**PUBLIC COMMENT-6:**

Mel Shapiro commented regarding the financial needs for public safety and maintenance projects. He expressed his concern that the ballpark is taking away funding from these priorities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A583-661.)

**PUBLIC COMMENT-7:**

Bernie Levy announced that on March 3, 2001, the Coalition for Affordable Public Power and the Green Party had a joint energy rally at Horton Plaza. Mr. Levy read a portion of Congressman Bob Filner's speech. Mr. Levy stressed that this city needs a municipal power agency which will allow the citizens to take control of their energy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A666-B076.)

**PUBLIC COMMENT-8:**

Steve McWilliams announced that on March 7<sup>th</sup> the Public Safety and Neighborhood Services Committee will have its first meeting regarding the medical use of cannabis. Mr. McWilliams requested guidelines for the fair distribution and safe access of medical cannabis to people who have a physician's recommendation. Mr. McWilliams suggested that San Diego adopt the guidelines that are already in place in the City of Oakland.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B077-113.)

**PUBLIC COMMENT-9:**

Ken Loch stated that he is here to try to inspire the community to enter into the renaissance. He stated that he has traveled to Santa Barbara, Santa Monica, and Laguna Beach speaking before the city councils and arts commissions inviting them to enter into the renaissance. He explained that the renaissance is a relationship between our minds and bodies involving exercises in the arts, science, and athletics. Mr. Loch stated that he will e-mail the Director of the Arts Commission as well as the Mayor and Council providing information on how to enter into the renaissance and will await their response.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B114-143.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1: REFERRED TO THE CITY MANAGER**

Council Member Wear expressed his concern about the most recent sewer spill. He stated that he sent a memo to the City Manager requesting a full report at the Natural Resources and Culture Committee. Mr. Wear requested information regarding the sewer



spill on October 11<sup>th</sup> at Sunset Cliffs. He stated that the City needs a policy that notifies public officials and people downstream from the sewer spill.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B144-164.)

**COUNCIL COMMENT-2:**

Council Member Atkins announced that March is National Women's History Month.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B165-185.)

**COUNCIL COMMENT-3: REFERRED TO THE CITY MANAGER**

Council Member Madaffer welcomed Council Member Inzunza to the Council. He announced the opening of Little League Season in Allied Gardens. Mr. Madaffer stated that he also sent a memo regarding the sewer spill and requested that this issue be heard at the NR&C Committee on March 28<sup>th</sup>. Mr. Madaffer requested that the appropriate City staff be in attendance to provide information and respond to community questions and concerns. Mr. Madaffer also requested notification procedures to the Mayor and Council and other officials on the water contamination levels.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B183-228.)

**COUNCIL COMMENT-4: REFERRED TO THE CITY MANAGER**

Council Member Maienschein stated that he has also requested that the City Manager provide a report to the Mayor and Council regarding the sewer spill. Mr. Maienschein stated that an independent audit of the Metropolitan Wastewater Department is important. Mr. Maienschein welcomed Council Member Inzunza.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B229-263.)

**COUNCIL COMMENT-5: REFERRED TO THE CITY MANAGER AND THE PS&NS  
COMMITTEE**

Council Member Peters welcomed Council Member Inzunza. Council Member Peters expressed his concerns and frustrations regarding the sewer spill. Mr. Peters stated that he supports an independent audit. Council Member Peters commented on the shooting incident at Santana High School. He requested that a review of the City, State, and Federal gun control laws and how they relate to San Diego be presented at PS&NS Committee.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B264-308.)

**COUNCIL COMMENT-6:**

Council Member Stevens stated that he shares the concerns of his colleagues regarding the sewer spill. Mr. Stevens stated that City staff should be more aware of their surroundings, stop and take note of situations that are potential problems, and fix them or report them. This way, the City would avoid many lawsuits. Council Member Stevens also noted that the number of tourists of color has increase by 16% since 1993 in San Diego. Mr. Stevens also commented that he would like to see the people in San Diego become friendlier. He stated that it promotes tourism, and, thus, more jobs.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B309-397.)

**COUNCIL COMMENT-7:**

City Manager Uberuaga stated that he and his staff viewed the sewer spill as a very serious matter. He stated that quite a bit of time was spent on Wednesday and Thursday of last week doing an investigation. On Wednesday February 28<sup>th</sup> Wastewater staff was informed that there was a spill and within about a half an hour they were at the site and

stopped the spill that day. In the newspaper it is characterized as if staff knew about the spill before Wednesday morning on the 28<sup>th</sup>. However they have not found any recording or employee that received a notification prior to the 28<sup>th</sup>. There is an ongoing investigation of the matter. Mr. Uberuaga stated that he welcomes the review, investigation, outside audit, discussion and any suggestions and information that will help prevent sewer spills in the future.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B398-444.)

**COUNCIL COMMENT-8:**

City Attorney Gwinn announced a partnership between the City and Verizon Wireless in which cellular phones will be provided to victims of domestic violence. Every phone that the public contributes, a used phone that is no longer needed and dropped off at a Verizon Wireless store, will either be rehabilitated or a new phone will be issued to a victim of domestic violence. The phones are programmed to dial 911 directly to the law enforcement agency where that victim is or to the CHP, or the phone can also call the Domestic Violence Hot Line in San Diego County.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B445-487.)

**COUNCIL COMMENT-9:**

Mayor Murphy congratulated City Attorney Gwinn on the program to stop domestic violence. Mayor Murphy voiced his concerns regarding the sewer spill and added that the public expects all employees to prevent sewer spills and every employee must believe that this is a top priority in order to solve this problem.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B488-527.)

**COUNCIL COMMENT-10: REFERRED TO THE CITY MANAGER**

Council Member Atkins wanted to ensure that the damage caused by people going into the canyons to clean up after a sewer spill is mitigated.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B528-543.)

\* ITEM-100: Sewer and Water Group Job 79 - Easement Acquisitions.

(Greater North Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1155) ADOPTED AS RESOLUTION R-294617

Authorizing the City Manager to purchase property rights of two sewer easements, as part of the Sewer and Water Group Job 79 Project, to replace old sewer lines and manholes within the Greater North Park Community;

Authorizing the expenditure of not to exceed \$15,000 as payment for said property rights and related labor, contingency and miscellaneous costs from Sewer Fund 41506, CIP-46-001.0 - Annual Allocation - Sewer Main Replacements;

Approving the acceptance by the City Manager of an Easement Deed from Derek Kingsley Evans and Patricia Ann Knecht, conveying to the City an easement over, under, upon, along and across a portion of Lot 16, Block H of Burlingame;

Approving the acceptance by the City Manager of an Easement Deed from Brewster L. Brock and Paula S. Brock, conveying to the City an easement over, under, upon, along and across a portion of Lot 17, Block H of Burlingame.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council previously approved Sewer and Water Group Job 79. The project, which is currently under construction, is in the process of replacing old sewer lines and manholes within

the Greater North Park Community. This action authorizes the City Manager's acceptance of two sewer easement deeds necessary for the completion of the project. The action also authorizes the expenditure of funds in the amount of \$15,000 for the acquisition of the property rights and related costs.

**FISCAL IMPACT:**

Funding in the amount of \$15,000 to cover the purchase of the property rights and related costs is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements for this purpose.

Herring/Griffith/SAC

Aud. Cert. 2100874.

FILE LOCATION: DEED-F-7973

COUNCIL ACTION: (Tape location: B579-C019.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: The Country Club of Rancho Bernardo Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1180) ADOPTED AS RESOLUTION R-294618

Commending the Country Club of Rancho Bernardo for its outstanding service and commitment to the citizens of San Diego, and in honor of its significant contributions, proclaiming Saturday, February 24, 2001 to be "The Country Club of Rancho Bernardo Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B579-C019.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-102: Excusing Councilmember Byron Wear from the August 15 and October 23 and 24, 2000 Meetings of the San Diego City Council.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1148) ADOPTED AS RESOLUTION R-294619

Excusing Councilmember Byron Wear from attending the regularly scheduled Council meetings of August 15 and October 23 and 24, 2000 due to his attendance to out-of-town City business relating to his duties as a City appointee to SANDAG/JANTOC.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B579-C019.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-103: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1093) ADOPTED AS RESOLUTION R-294620

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: B579-C019.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Two actions related to Southcrest Park Estates Phase II Maintenance Assessment District.

(Southcrest Community Area. Districts-4 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-929) CONTINUED TO TUESDAY, MARCH 20, 2001

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Southcrest Park Estates II Maintenance Assessment District.

Subitem-B: (R-2001-930) CONTINUED TO TUESDAY, MARCH 20, 2001

Approving the Fiscal Year 2002 Budget.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the Fiscal Year 2002 assessment for the Southcrest Park Estates Phase II Maintenance Assessment District (District). The District is located in the Southcrest Community situated east of Interstate 5 along the north side of Chollas Creek drainage channel between 35<sup>th</sup> Street and 38<sup>th</sup> Street and the south side of Chollas Creek drainage channel between 38<sup>th</sup> Street and 39<sup>th</sup> Street. The purpose of the District is to fund the maintenance of 1.39 acres of landscaped slope and irrigation adjacent to the Chollas Creek drainage channel.

The Fiscal Year 2002 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
<b>BEGINNING BALANCE</b>	\$ 0.00	\$ 0.00	\$ 0.00
<b>REVENUE:</b>			
Assessments	\$ 27,680.00	0.00	\$ 27,680.00
Interest	0.00	0.00	0.00
City Contribution	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>TOTAL REVENUE</b>	\$ 27,680.00	\$ 0.00	\$ 27,680.00
<b>TRANSFER</b>	( 3,105.00)	3,105.00	0.00
<b>EXPENSE:</b>			
Personnel	\$ 3,222.00	\$ 0.00	\$ 3,222.00
Contractual	11,000.00	0.00	11,000.00
Incidental	5,973.00	0.00	5,973.00
Utilities	<u>4,380.00</u>	<u>0.00</u>	<u>4,380.00</u>
<b>TOTAL EXPENSE</b>	\$ 24,575.00	\$ 0.00	\$24,575.00
<b>ENDING BALANCE</b>	\$ 0.00	\$ 3,105.00	\$ 3,105.00

The proposed assessment for Fiscal Year 2002 is \$444.48 per Equivalent Benefit Unit (EBU), with a maximum assessment authorized of \$597.03 per EBU. The assessment may be indexed annually by the factor published in the San Diego CPI-U. The District contains a total of 62.28 EBU's.

**FISCAL IMPACT:**

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

FILE LOCATION: SUBITEMS A & B: STRT-M-423-02 (34)

COUNCIL ACTION: (Tape location: B544-578.)



MOTION BY STEVENS TO CONTINUE TO TUESDAY, MARCH 20, 2001, AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Carroll Canyon Business Park Rezoning.

(RZ-98-0978. Mira Mesa Community Plan Area. District-5.)

(Continued from the meetings of January 9, 2001, Item 53, and February 6, 2001, Item 334; last continued at the request of Councilmember Maienschein to allow the settlement conference with CEQA to go forward.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/12/2000. (Council voted 6-2. Councilmembers Peters, Wear, Atkins, Stevens, Maienschein, and Madaffer voted yea. Councilmembers Stallings and Mayor Murphy voted nay. District 8 vacant.):

(O-2001-80 ) FAILED

Rezoning 57.8 acres, located on the west and east side of Camino Ruiz along the proposed alignment of Carroll Canyon Road, in the Mira Mesa Community Plan area, from the AR-1-1 Zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] Zones) to the IL-2-1 Zone (previously referred to as the M-1B and HRO Zones).

FILE LOCATION: PERM-98-0978 (65)

COUNCIL ACTION: (Tape location: D157-G219.)

MOTION BY MAIENSCHIEIN TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Failed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-nay, Mayor Murphy-nay.

ITEM-202: Amendments to San Diego Municipal Code, Chapter II, Article 4, by adding Division 16 entitled "Preservation of Benefit Plan".

**RETIREMENT BOARD'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2001-126) INTRODUCED, TO BE ADOPTED ON MONDAY,  
MARCH 19, 2001

Introduction of an Ordinance amending Chapter II, Article 4, Divisions 1 and 10, of the San Diego Municipal Code by amending Sections 24.0103 and 24.1010; by adding Division 16 titled "Preservation of Benefit Plan" by adding Sections 24.1601, 24.1602, 24.1603, 24.1604, 24.1605, 24.1606, 24.1607, and 24.1608, all relating to the San Diego City Employees' Retirement System.

**SUPPORTING INFORMATION:**

San Diego City Employees' Retirement System ("Retirement System") is a tax qualified retirement plan that must meet the requirements of Section 415 of the Internal Revenue Code ("Code"). In certain cases, Section 415 of the Code prevents the Retirement System from paying fully earned benefits to Members of the Retirement System. The Small Business Job Protection Act of 1966 permits the City of San Diego to adopt a "Qualified Governmental Excess Benefit Arrangement" solely for the purpose of providing Members of the Retirement System the full amount of benefits that would otherwise be paid by the Retirement System but for the limits of Section 415.

The Retirement Board requests the Council of the City of San Diego to adopt a separate plan that meets the Provisions of the Code and thereby preserve benefits which cannot be paid from the Retirement System due to the limitations of Section 415 of the Code. The separate plan to be adopted for this purpose shall be known as the Preservation of Benefit Plan. It is now necessary and proper to amend the San Diego Municipal Code to adopt and set forth the terms, conditions and benefits for the Preservation of Benefit Plan. The Retirement Board has reviewed and approved the Preservation of Benefit Plan and recommends its adoption. A vote of the Retirement System's membership is not required by Charter Section 143.1.

**FISCAL IMPACT:**

None.

Grissom/Lexin/LC

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C031-038.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Stevens.  
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,  
Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Approving the Plans and Specifications and Inviting Bids for the Construction of  
Sewer and Water Group 686.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

Subitem-A: (R-2001-814) ADOPTED AS RESOLUTION R-294621, WITH  
DIRECTIONS

Approving the plans and specifications for the furnishing of all labor, material,  
tools, equipment, transportation and other expense necessary or incidental and  
inviting bids for the Construction of Sewer and Water Group 686 on Work Order  
No. 174731/184091;

Authorizing the City Manager to execute a contract with the lowest responsible  
bidder;

Authorizing the expenditure of an amount not to exceed \$3,057,082 from Sewer  
Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement,  
provided that the City Auditor and Comptroller first furnishes a certificate  
demonstrating that the funds necessary for the expenditure are, or will be, on  
deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the  
administering department, to transfer excess budgeted funds, if any, to the  
appropriate reserves;

Authorizing the use of City Forces to temporarily cut and plug and make all live connections of the water main for a cost not to exceed \$147,000. (BID-K01053C)

Subitem-B: (R-2001-815) ADOPTED AS RESOLUTION R-294622

Certifying that Mitigated Negative Declaration LDR-40-0479 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Sewer and Water Group 686;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project in order to mitigate or avoid significant effects on the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer & Water Replacement Group 686 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project is in the City Heights community area and consists of replacing approximately 16,292 feet (3.09 miles) of 6-inch and 8-inch sewer main, 5,597 feet (1.06 miles) of 6-inch water main, and 380 feet (0.07 miles) of 12-inch water main.

Also, this project includes the construction of 87 pedestrian ramps and slurry sealing of the impacted streets. The streets within this project which will be affected by construction operations are: Poplar Street, Pepper Street, Violet Street, Tuberosa Street, Snowdrop Street, Dahlia Street, Columbine Street, Poppy Place, Manzanita Drive, Wightman Avenue and numerous alleys in this vicinity. Residents will be notified by mail at least one month before construction begins by the City and again 10 days before construction begins by the contractor through hand distribution.

**FISCAL IMPACT:**

The total estimated cost of this project is \$4,289,742. Funds of \$3,057,082 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$1,232,660 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. Included in the total estimate is \$147,000 for City Forces to make temporary cuts and plugs, connections, and perform operational checks.

Loveland/Boekamp/HR

WWF-01-489.

FILE LOCATION: SUBITEMS A & B: CONT - Orion Construction; W.O.  
174731/184091

COUNCIL ACTION: (Tape location: C040-098.)

MOTION BY ATKINS TO ADOPT WITH THE FOLLOWING DIRECTIONS:

- 1) THE CITY MANAGER SHALL PROVIDE AN ANALYSIS OF WHAT WILL BE DONE WITH THE STREETS FOLLOWING THIS JOB.
- 2) A COMMITMENT THAT THE CITY MANAGER WILL WORK WITH COUNCIL DISTRICT 3 ON A PLAN FOR RE-PAVING THOSE STREETS.

Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Joint City/County Homeless Task Force Resolution.

(See City Manager Report CMR-01-037.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1124) ADOPTED AS RESOLUTION R-294623, WITH DIRECTIONS

Declaring that the City of San Diego will:

- 1)Continue to move forward on the existing collaborative programs addressing homelessness which include: Special Needs Homeless; AB2034 (Integrated Services); Winter Shelter and Voucher; Year Round Short Term Transitional Housing for Families; Cityworks; and the expansion of the current Western Division Serial Inebriate Pilot Program/Dual Diagnosis programs into the downtown area;
- 2)Continue to collaborate with the Housing Commission, County and nonprofit community to expand services for the growing senior homeless population;
- 3)Continue to collaborate with the Housing Commission, County and nonprofit community to further develop long term strategies to address homelessness in the community;
- 4)Continue to collaboratively pursue funds from state/federal agencies and private partners; and
- 5)Establish a subcommittee working group to monitor the recent plans by the General Services Administration (GSA) to acquire and demolish three downtown single room occupancy (SRO) hotels that provide approximately 398 units and work with GSA to identify ways to mitigate the impact of these plans.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C100-138.)

**MOTION BY ATKINS TO ADOPT WITH THE FOLLOWING DIRECTIONS:**

- 1) REQUEST THAT THE CITY ATTORNEY RESEARCH AND FIND A LEGAL OPINION THAT RELATES TO THE LEGAL OBLIGATION OF THE FEDERAL GOVERNMENT TO PROVIDE REPLACEMENTS FOR THE SRO HOTELS AND UNITS THAT ARE BEING REMOVED.
- 2) REQUEST THAT CCDC PROVIDE RECOMMENDATIONS FOR REPLACEMENT SITES WITHIN THE DOWNTOWN REDEVELOPMENT AREA.
- 3) SUBITEM 5 (ESTABLISH A SUBCOMMITTEE WORKING GROUP TO MONITOR THE RECENT PLANS BY THE GENERAL SERVICES ADMINISTRATION TO ACQUIRE AND DEMOLISH THREE DOWNTOWN SINGLE ROOM OCCUPANCY HOTELS THAT PROVIDE APPROXIMATELY 398 UNITS AND WORK WITH GSA TO IDENTIFY WAYS TO MITIGATE THE IMPACT OF THESE PLANS) SHALL BE SCHEDULED TO BE HEARD AT THE RULES COMMITTEE WITHIN THE NEXT FOUR WEEKS. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-205: Three actions related to 38th and Redwood Streets Burn Site Property Acquisition.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1129 Cor. Copy 2) ADOPTED AS RESOLUTION R-294624

Authorizing the City Manager to acquire interests in the properties located at 3084, 3090, 3103, 3108 and 3114 38<sup>th</sup> Street to prevent and/or limit any future contact with burn ash on the sites;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$690,000 from CIP-32-0100 for property rights and related costs for the 38<sup>th</sup> and Redwood Streets property acquisition.

Subitem-B: (R-2001-1132) ADOPTED AS RESOLUTION R-294625

Certifying that Negative Declaration LDR-40-0912 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the 38<sup>th</sup> and Redwood Streets property acquisition.

Subitem-C: (R-2001-1206) ADOPTED AS RESOLUTION R-294626

Authorizing the Environmental Services Department to expend \$110,000 from CIP-32-0100 for compensation for loss of use.

**CITY MANAGER SUPPORTING INFORMATION:**

Historic records indicate that a burn dump was operated prior to 1938 in the vicinity of 38th and Redwood Streets. This action is recommending the potential purchase of five (5) properties located at 3108, 3114, 3103, 3084 and 3090 38<sup>th</sup> Street to effectively remove contaminated burn ash on these properties to a depth of three (3) feet. Residual burn ash from around these properties was recently removed by the U.S. Environmental Protection Agency to eliminate the threat of exposure to elevated levels of lead in the soils within the top three (3) feet of their yards. During this removal action burn ash and potentially elevated levels of lead were found projecting under the foundation and walkways of some homes. Although the burn ash poses no health risk if it remains covered and undisturbed, the potential for future contact with the burn ash by homeowners and contractors (maintenance, repairs and replacement work) is potentially significant due to the burn ash directly under the structures.

Purchase of these properties will allow the future demolition of the homes, if desired, and thus, the complete removal of all burn ash within three (3) feet of the surface.

**FISCAL IMPACT:**

Funds in the amount of \$800,000 are available from CIP-32-010.0 (Annual Allocation - Unclassified Disposal Sites) for acquisition and related expenses.

Herring/Griffith/BLM

Aud. Cert. 2100846.

FILE LOCATION: SUBITEMS A, B, & C: DEED-F-7974

COUNCIL ACTION: (Tape location: C031-038.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-206: Annual Allocation - Emergency and Accelerated Projects Funding.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1116) ADOPTED AS RESOLUTION R-294627



Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$4,000,000 within Fund No. 41506, from CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, to CIP-46-206.0, Annual Allocation - Emergency and Accelerated Projects, to provide additional funding for projects as a result of revised costs estimates.

**CITY MANAGER SUPPORTING INFORMATION:**

There is no change in the overall budget as a result of the proposed action. This action simply transfers funds, for accounting purposes, from one CIP to another. In FY2001 Budget, the Annual Allocation - Emergency & Accelerated Construction was funded at approximately \$2.6 million. This action will increase the authorized funding to \$6.6 million.

To date, the following 28 projects with a total estimated cost of approximately \$6.4 million have been identified:

<u>Project</u>	<u>Cost</u>
Hensley Street	\$ 17,000
University Ave. And Alamo Dr.	18,700
32 <sup>nd</sup> and Thorn St.	32,250
Morena Blvd. Rehab	19,012
Macouba Place	157,190
Archer Street	9,750
Pump Station #50 Force Main	58,400
University & Alamo	8,000
Hensley Street	20,000
Pump Station #50 Force Main	50,000
Sevan Court	1,190,535
Santa Clara	116,287
No. Harbor Drive	52,250
Cape May Avenue/Cape May Place	194,841
Bayside Walk/Ostend Court	41,000
Santa Clara	116,287
Hillcrest & Mission Hills	55,500
Hensley Street	895,322
Fairmount Avenue Trunk Sewer	28,000
1755 Archer St.	135,250
South 28 <sup>th</sup> Street @ Harbor Drive	141,750
University Ave. & Alamo Drive	147,000
Archer Street	104,250
University Ave. & Alamo Drive	15,982

4 <sup>th</sup> Avenue/West Washington Sewer	784,746
Manning Street	119,500
Sewer Replacement A-2	1,545,134
Morena Blvd. Sluice Gate	296,000

**FISCAL IMPACT:**

The funding source of \$4,000,000 for this action is available in Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement.

Loveland/Schlesinger/WJH

Aud. Cert. 2100839.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: C031-038.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-207: City of San Diego's Application for a Five Year Extension to the California Technology, Trade and Commerce for the Metropolitan Enterprise Zone Five-Year Extension Application.

(Barrio Logan, Centre City East, East Village, Logan Heights, Sherman Heights, Grant Hill, Stockton, Gateway, Mt. Hope, Mountain View, Southcrest, and Valencia Park Community Areas. Districts-2, 4, 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1185) ADOPTED AS RESOLUTION R-294628

Authorizing and directing the City Manager to file an application for the five year extension of the Metropolitan Enterprise Zone with the State Technology, Trade and Commerce Agency in accordance with the procedure and regulations promulgated by the State Technology, Trade and Commerce Agency under the Enterprise Zone Act (Cal. Government Code 7074);

Declaring that the City Manager finds that the Metropolitan Enterprise Zone is in a depressed area and the extension of the designation of the area as an Enterprise Zone is necessary in order to continue attracting private sector investment to the application area;

Declaring that the City Manager agrees to complete all actions stated within the extension application, which apply to its jurisdiction should the Metropolitan Enterprise Zone be awarded an extension;

Authorizing the City Manager to direct staff to offer all incentives available as indicated in the updated Economic Development Plan for the Metropolitan Enterprise Zone.

**CITY MANAGER SUPPORTING INFORMATION:**

An Enterprise Zone is a defined geographic area in which companies doing business within an Enterprise Zone can claim significant state income tax credits for qualifying employees and expenditures. Enterprise Zones were created in California to stimulate business investments in areas where investment has lagged and to make jobs available in areas of high unemployment. The state of California has designated 39 Enterprise Zones, two are in the City of San Diego: the Metropolitan Enterprise Zone, designated in October 1986; and the San Ysidro/Otay Mesa Enterprise Zone, designated in January 1992.

Each Enterprise Zone designation is for 15 years. In 1998, Assembly Bill 2798 authorized the California Trade and Commerce Agency (Agency) to extend the life of any Enterprise Zone designated prior to 1990 for an additional five years, to a total of 20 years. This extension is contingent on the Zones passing an audit conducted by the Agency and submitting an acceptable economic development plan. The nineteen Enterprise Zones designated before 1990 are eligible to request a five-year extension of their Zone. Since the inception of the City's Enterprise Zone Program in 1986, over \$100 million in private sector capital investments have been made within the two Enterprise Zones. These capital investments in private property were made to redevelop existing commercial and industrial facilities and to develop new facilities. More than 5,000 low-income and unemployed people have been placed in jobs within the City's Enterprise Zones; more than half of these jobs went to residents of the two Enterprise Zones.

A five year extension of the program will allow for the completion of current projects and new projects proposed in the Zone in addition to maximizing expansion opportunities for the Zone. Job creation opportunities for these projects is estimated to be at least 4,000 new jobs within the next 2-3 years.

**FISCAL IMPACT:**

None. The expansion costs should be absorbed by the existing Enterprise Zone budget.

Herring/Cunningham/LM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C031-038.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-208: Brown and Caldwell, As-Needed Engineering 2000-2003.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1167) ADOPTED AS RESOLUTION R-294629

Authorizing the City Manager to execute an amendment to the agreement of May 1, 2000, with Brown & Caldwell, for as-needed engineering consultant services through 2003;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund Number 41506 to provide funds for the Amendment No. 1, to be expended in Water and Wastewater CIP projects under Fund Numbers 41500, 41506, 41508, and 41509;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to reallocate appropriation and costs for the above engineering consultant services to those CIP projects where costs are incurred.

**CITY MANAGER SUPPORTING INFORMATION:**

The original agreement between the City and Brown and Caldwell for As-Needed Engineering Services 2000-2003 was adopted on May 1, 2000, via Resolution No. R-293062. Said agreement was issued for an amount not to exceed \$2,000,000 and a 36-month duration. The City expended approximately \$800k or 40% of the base funds in the first 6 months of the agreement due to MWWD support requirements.

Amendment No. 1 is requested to increase the not to exceed agreement value by \$2,000,000 to \$4,000,000 due to immediate and near term engineering services required by MWWD including, but not limited to:

- ! Muni System Planning and Predesign efforts associated with the goal of reducing sewage spills over the next six years
- ! Pump Station 65 5th pump addition
- ! Pump Station 77 Force main inspection/rehabilitation
- ! Pump Station 1 and 2 modifications/upgrades (includes several projects)

It is anticipated that this amendment will provide adequate funding for the remainder of the duration of the Agreement (September 2003).

**MBE/WBE Utilization:**

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, Brown and Caldwell has retained the following subconsultants as members of their engineering consultant team in connection with this project:

**Certified Subconsultants**

MBE - Simon Wong Engineering  
MBE - Estrada Land Planning  
MBE - O'Rourke Engineering  
MBE - Ninyo & Moore  
WBE- Lindvedt-McColl Surveying  
MBE - Roesling Nakamura

**Other Subconsultants**

DeC Corrosion Consultants

Due to the nature of As-Needed projects, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

**FISCAL IMPACT:**

The total authorized to expend is \$2,000,000 for the current fiscal year, for a combined total authorized to expend for FY 2000-2003 of \$4,000,000.

Loveland/Schlesinger/WBP

Aud. Cert. 2100886.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C139-320.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, District 6-vacant,  
Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-209: Construction Management Services Agreement for Miramar Water Treatment Plant Upgrade and Expansion Project.

(Scripps Miramar Ranch and Miramar Ranch North Community Areas. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1084) ADOPTED AS RESOLUTION R-294630

Authorizing the City Manager to execute a phase funded agreement with Montgomery Watson Americas, Inc. for construction management services;

Authorizing the expenditure of an amount not to exceed \$10,386,078 from Water Revenue Fund 41500, CIP-73-284.0, Miramar WTP Upgrade and Expansion, provided that the City Auditor first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of the Strategic Plan for Water Supply approved by the City Council in August 1997, Miramar Water Treatment Plant (WTP) will be expanded to increase the capacity of the plant from 140 million gallon per day (MGD) to 215 MGD to meet current and future demand of its service area. In addition to increasing plant capacity, this project will upgrade the majority of the treatment unit processes to allow for improved operation and maintenance, and to meet the new drinking water quality standards set by the U.S. Environmental Protection Agency. Following an extensive selection and interview process, Montgomery Watson Americas, Inc. (MW) was selected from among six firms to provide construction management services for the Miramar WTP Project. City staff believes MW has the necessary expertise, technical skill and experience to successfully provide effective construction management services for this project. The construction will be conducted in four separate contracts which will include yard piping, pump station improvements, improvements to the Miramar Lake recreation area, a new deaeration basin, new filters, new flocculation/sedimentation basins, new chemical feed system, ozone system, and rehabilitation of various existing facilities at Miramar WTP. The first construction contract associated with the upgrade and expansion of Miramar WTP is scheduled to begin June 2001. Total WTP improvements construction cost is estimated at \$135 million.

**FISCAL IMPACT:**

Funding for the total amount of this request, \$10,386,078 is available in Water Revenue Fund 41500, CIP-73-284.0, Miramar WTP Upgrade and Expansion. The agreement is anticipated to be phase funded in four phases.

Loveland/Gardner/NK

Aud. Cert. 2100900.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C322-D141.)

MOTION BY PETERS TO ADOPT WITH DIRECTION THAT WITHIN SIX MONTHS, COUNCIL SHALL RECEIVE AN UPDATE FROM MONTGOMERY WATSON AMERICAS, INC. ON THE RESULTS OF THEIR MINORITY RECRUITING EFFORTS. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

<u>SUBDIVISION</u>	<u>COMMUNITY AREA</u>
Villas de Derby Downs	Carmel Valley
Carmel Valley Neighborhood 1, Unit 16B	Carmel Valley

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.



ITEM-251: Settlement of the Personal Injury Claim of Teresa Riley.

(R-2001-1123)

Adopted as Resolution R-294553.

A Resolution approved by the City Council in Closed Session on Tuesday, February 13, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-Vacant; Madaffer-yea; District 8-Vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$10,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Teresa Riley which occurred on October 20, 1999;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$10,000, made payable to Teresa Riley and her attorney Marcy E. Kaye, in full settlement of the lawsuit and all claims.

Aud. Cert. 2100840.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-252: Settlement of the Personal Injury Claim of Alejandro De Miranda.

(R-2001-953)

Adopted as Resolution R-294314.

A Resolution approved by the City Council in Closed Session on Tuesday, December 5, 2000, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Stallings-yea; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$38,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claim of Alejandro De Miranda;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$38,000 made payable to Alejandro De Miranda and Raymond M. Contreras, his attorney of record, as the complete and final settlement of the personal injury which occurred on March 5, 1999.

Aud. Cert. 2100626.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Two actions related to Declaring the Results of the February 27, 2001 Council District 8 Special Election and Swearing-in of Ralph Inzunza, Newly Elected Councilmember.

**CITY CLERK'S RECOMMENDATION:**

Adopt the resolution in Subitem A and conduct the swearing-in of the newly elected Councilmember in Subitem B:

Subitem-A: (R-2001-1205) ADOPTED AS RESOLUTION R-294631

Adoption of a Resolution declaring the results of the Special Election held in Council District 8 on Tuesday, February 27, 2001.

Subitem-B: SWORN IN

City Clerk to swear in Ralph Inzunza, the newly-elected Councilmember for District 8.

**SUPPORTING INFORMATION:**

A Special Election was held February 27, 2001 for the purpose of submitting candidates for the office of Councilmember for District 8 to the voters of said Council District. Item A: The results of this election have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council. Item B: City Clerk to swear-in newly elected Councilmember for District 8.

Abdelnour

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A030-176.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-S401: City Heights Mixed Use Project.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit, Planned Development Permit, Parcel Map, and Street Vacation to demolish existing buildings and construct a mixed-use office/retail/apartment project on property bounded by 43<sup>rd</sup> Street, University Avenue, Fairmount Avenue, and Wightman Street, and is located within the City Heights Community Plan area. The project site is 3.24 acres and is zoned CU-2-5. The proposed project includes a 6-story, approximately 125,000 square foot office/retail building, a 4-story parking structure, and 116 multi-family residential units over underground parking.

(SDP/PDP/PM/SV-40-0683. City Heights Community Plan area. District-3.)

(Continued from the meeting of February 27, 2001, Item 334, at the City Manager's request, to make changes to the Parcel Map.)

**NOTE:** Hearing open. No testimony taken on 2/27/2001. Districts 6 and 8 vacant.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the map and street vacation; and adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2001-1160 ) ADOPTED AS RESOLUTION R-294632

Adoption of a Resolution certifying that the information contained in the final documents, including any comments received during the public review process, have been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the

meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the land use actions for the City Heights Mixed Use Project.

Subitem-B: (R-2001-1161 )      ADOPTED AS RESOLUTION R-294633  
GRANTING THE MAP AND LAND  
CONSOLIDATION

Adoption of a Resolution granting or denying the MAP and the consolidation of land shown thereon is approved and accepted; and the Council accepts on behalf of the public; the following: that portion of an unnamed alley, 43<sup>rd</sup> Street, Fairmount Avenue, and University Avenue, and together with all appurtenances thereto, and dedicated to the public use, as dedicated and shown on the MAP and subject to the conditions set forth on the MAP; the Council finds that a portion of an alley on Block 47 of the amended map of City Heights, according to Map thereof No. 1003, is no longer needed for the public purpose for which it was dedicated and is vacated, and is not shown within this MAP pursuant to Section 66445(j) of the State Subdivision Map Act; this Resolution shall not become effective unless and until the existing water and sewer facilities within the proposed street vacation shall be abandoned satisfactorily to the City Engineer; this Resolution shall not become effective unless and until the facilities of San Diego Gas and Electric, Pacific Bell, and Cox Cable within the proposed alley vacation shall be relocated satisfactorily to the respective agencies; this Resolution shall not become effective unless and until the existing alley openings shall be replaced with standard curb, gutter and sidewalk satisfactorily to the City Engineer.

Subitem-C: (R-2001- )      ADOPTED AS RESOLUTION R-294634 GRANTING  
THE PERMIT

Adoption of a Resolution granting or denying Site Development Permit/Planned Development Permit No. 40-0683.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve; no opposition.

Ayes: Anderson, Brown, Butler, Stryker, Garcia, Steele  
Not present: Skorepa

The City Heights Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

This is a request for a Site Development Permit, Planned Development Permit, Parcel Map, and Street Vacation to demolish existing buildings and to construct a mixed-use office/retail/housing project on a 3.24 acre site bounded by University Avenue, Fairmount Avenue, Wightman Street, and 43<sup>rd</sup> Street in the City Heights Neighborhood of the Mid-City Communities Plan area. The City Heights Mixed Use project is a redevelopment project that includes construction of a six-story, 125,000 square-foot office/retail building, with attached 4-story parking garage, and development of 116 rental townhome units in 12, four-story buildings over below-grade parking.

Community Planning Group Recommendation: The City Heights Community Planning Group voted 8:1:0 to recommend approval of the project on September 7, 2000.

Planning Commission Recommendation: On February 1, 2001, the Planning Commission voted unanimously (6-0) to recommend City Council approval of the City Heights Mixed Use project.

Manager's Recommendation: State for the record that the final EIR and final FONSI/MND have been reviewed and considered prior to approving the project and direct the City Clerk to file a Notice of Determination. Approve Site Development Permit, Planned Development Permit, Parcel Map, and Street Vacation No. 40-0683.

Traffic Statement:

The proposed project is expected to generate approximately 3,756 average weekday trips (ADT). The previously existing uses on this site were estimated to generate 5,628 average weekday trips (ADT). The proposed project would therefore generate 1,872 fewer average weekday trips than the previously existing uses. Therefore, due to demolition of the existing uses on the site, this project would not add any additional trips to the adjacent and nearby freeway and road facilities.

**FISCAL IMPACT:**

Fiscal impacts of this redevelopment project were identified in the Disposition and Development Agreement (DDA) for the City Heights Urban Village Town Homes and Office Center, approved by Resolution R-293155 on May 16, 2000. All Development Services Department processing costs associated with this project are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/VG

**LEGAL DESCRIPTION:**

The project site is legally described as being a consolidation of Lots 1-22 inclusive, 27-43 inclusive, portions of Lots 44-48 inclusive all in Block 47 of the amended map of City Heights, according to map thereof No. 1007 filed in the Office of the County Recorder of San Diego County on October 3, 1906, and Parcel "A" of Parcel Map No. 814, filed in the Office of the County Recorder of San Diego County on May 4, 1972, as File No. 112543, all in the City of San Diego, County of San Diego, together with a portion of the 20' wide alley as vacated.

**ENVIRONMENTAL IMPACT:**

The City of San Diego as Lead Agency under CEQA has reviewed and considered a Final Environmental Impact Report, (City Heights Redevelopment Project) dated April 13, 1992 (Adopted April 28, 1992 by Resolution R-279878), and a Findings of No Significant Impact/Mitigated Negative Declaration (FONSI/MND) LDR-96-0135BG, dated March 11, 1996 (Adopted April 2, 1996 by Resolution R-287147) covering this activity.

FILE LOCATION: SUBITEMS A, B, & C: PERM-40-0683 (65)

COUNCIL ACTION: (Tape location: C020-022.)

Hearing began at 3:30 p.m. and halted at 3:31 p.m.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS GRANTING THE MAP, THE LAND CONSOLIDATION, AND THE PERMIT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\*ITEM-S402: Two actions related to the Final Subdivision Map of Cortez Hill Condominiums.

(Centre City Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1190) ADOPTED AS RESOLUTION R-294635

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Bosa Development California, Inc., for the installation and completion of certain public improvements.

Subitem-B: (R-2001-1189) ADOPTED AS RESOLUTION R-294636

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 1.544 acre site into 1 lot for residential condominium development of 199 units. It is located on the north side of Beech Street between Eighth Avenue and Ninth Avenue in the Centre City Planned District area. On July 20, 2000 the Planning Commission of the City of San Diego approved Tentative Map TM-99-0714 by Planning Commission Resolution No. 2980-PC. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Engineering Drawing No. 30324-1-D through 30324-4-D, filed in the Office of the City Clerk under Micro No. 140.84. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$208,726 and a Performance Bond in that amount has been provided as surety. Lot stakes and monuments have been previously set, therefore, there is no surety for the setting of survey monuments due. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Park fees in the amount of \$2,888 have been paid. This project is in Park Service District No. 11.852.

**FISCAL IMPACT:**

None.

Loveland/Haase/GB

**FILE LOCATION:** SUBITEMS A & B: SUBD - Cortez Hill Condominiums  
(40)

**COUNCIL ACTION:** (Tape location: B579-C019.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 7:08 p.m. in honor of the memory of:  
George Whitehead as requested by Council Member Atkins,  
David Grimes as requested by Council Member Wear, and  
the students at Santana High School as requested by Mayor Murphy.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: G224-288).